

REMARKS

Upon entry of the present amendment, claims 1, 3, 6, 11, and 14 will have been amended to clarify the features of the presently-claimed invention. In view of the herein-contained amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections set forth in the above-mentioned Official Action, together with the allowance of all the claims pending in the present application.

Applicants note with appreciation the Examiner's acceptance of the drawings filed September 30, 2003.

In the outstanding Official Action, claims 1-4, 6, 7, 9-12, 14, 15, 17, and 18 were rejected as being anticipated by GERACE (U.S. Patent No. 5,848,396); claims 5 and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over GERACE in view of U.S. Patent No. 5,875,108 to HOFFBERG; and claims 8 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over GERACE in view of U.S. Patent No. 6,624,803 to VANDERHEIDEN et al. In view of the herein-contained amendments and remarks, Applicants submit that these rejections are inappropriate.

The present invention, as defined by the amended claims recites, inter alia, categorizing a user population into at least two groups based on at least one of user behavioral characteristics and user preferences. Each group has a plurality of users. In contrast, GERACE discloses the use of aggregate information to determine the profile of a computer user. See column 2, lines 3-4; column 4, lines 21-23. In this regard, the user

P19004.A11

profile in GERACE is created "from the agate information viewing habits of the user" (see column 4, lines 21-23). Furthermore, GERACE discloses a "user profile" that is unique "for each user" (see column 5, lines 63-65). GERACE is thus directed to a single user. In contrast, the present invention is directed to a group of users. Thus, GERACE fails to disclose, inter alia, the first step of categorizing a population into groups of users. This is because GERACE is concerned with a single user and not a group having a plurality of users.

Additionally, GERACE discloses using the profile to "customize presentation... for display to the user" (emphasis added, see column 2, lines 23-24; column 4, lines 23-25). However, Applicants respectfully assert that GERACE does not disclose or suggest the above-noted features recited in claim 1, e.g., "categorizing a user population" at any of the portions of GERACE applied by the Examiner, e.g., abstract; col. 2, lines 3-23, col. 4, lines 1-47, col. 5, lines 27-31. Rather, the above-noted portions of GERACE only relate to creating a customized user interface and a targeted advertising module, using information derived from tracking the viewing habits of the single user.

In particular, Applicants respectfully submit that GERACE discloses an Internet publishing system (e.g., "agate provider") that is uniquely configured for each user (see column 1, lines 66-67). In addition, GERACE discloses an advertising module that collects information on user behavior in order to refine a target of which users should receive an advertisement for viewing (see column 4, lines 29-36). As noted in the

P19004.A11

outstanding Official Action, the profile information of GERACE is used to design a "customized user interface," i.e., an interface that is uniquely tailored for each user.

Additionally, Applicants submit that GERACE does not disclose or suggest the "at least two groups" which are described and modeled according to the invention recited in claim 1. Rather, each user in GERACE is "unique," and therefore not categorized into "groups." Accordingly, the above-noted "profile" and targeted advertising of GERACE, do not relate to "describing the categorized user behavior characteristics and user preferences, and modeling," as is recited in claim 1.

Furthermore, Applicants respectfully submit that the customized profiles of GERACE do not disclose "modeling the described behavioral characteristics and user preferences," at least because any behavioral characteristics and/or user preferences in GERACE are not disclosed to be "categorized" or "described," as is recited in claim 1.

Moreover, Applicants respectfully submit that GERACE does not apply models to, e.g., "interactive interface testing," as is recited in claim 1. In this regard, Applicants respectfully submit that GERACE does not appear to disclose any testing whatsoever, let alone "interactive interface testing" that relates to "qualitative and quantitative models," as is recited in claim 1. Rather, at the portion of GERACE asserted by the Examiner to disclose or suggest "testing (col. 15, lines 25-44)," GERACE actually discloses automated and real time adjustment of "the intended audience profile of advertisements." The "[p]rogram 31 continually performs [the adjustments] so as to maximize/optimize success

P19004.A11

of advertisements displayed through server 27." However, Applicants respectfully submit that continually adjusting a program based on updated data is not the same, or a mere obvious variation, of testing a program. In any case, there is no disclosure that the adjustments relate to the application of models. Accordingly, Applicants respectfully assert that GERACE does not disclose or suggest applying models to, e.g., "interactive interface testing," as is recited in claim 1.

Applicants further submit that each of independent claims 3 and 11 recite features similar to the above-noted features recited in claim 1. Accordingly, Applicants respectfully submit that each of claims 3 and 11 are allowable for reasons similar to the above-noted reasons set forth for the patentability of claim 1.

Additionally, claim 3 recites, "validating targeted user behaviors and user preferences." Claim 11 recites "validating pre-determined targeted behaviors and preferences." In contrast, the continued adjustment of the advertising module in GERACE is not "validating" the user behaviors and user preferences, at least because, in adjusting the model, GERACE does not disclose that a particular user behavior may be found, e.g., invalid.

Furthermore, claim 3 recites "tracking design requirements for the validated user behaviors and user preferences" and claim 11 recites "tracking design requirements for the validated behaviors and preferences." In contrast, there is no disclosure that GERACE tracks design requirements in any way, let alone "for the validated... behaviors

P19004.A11

and... preferences.”

Additionally, claim 11 recites “integrating user-customization into a design by creating a user-profile” and “iteratively testing the design.” Applicants respectfully submit that GERACE does not disclose or suggest any manner of testing a design, let alone iteratively testing a design. Rather, as noted above, GERACE merely discloses adjusting an advertising module to ensure advertisements are targeted to a proper audience.

Additionally, minor amendments have been made to claims 6 and 14 in order to make these claims more consistent and in compliance with U.S. syntax, idiom and grammar.

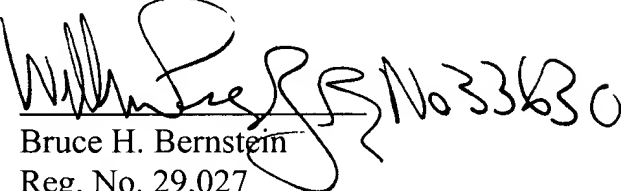
Accordingly, for all the reasons noted above, Applicants respectfully request reconsideration and withdrawal of each of the outstanding rejections of claims 1, 3 and 11. Applicants additionally submit that each of claims 2, 4-10 and 12-18 are allowable, at least because each depends, directly or indirectly, from an allowable independent claim, as well as for reasons related to their own recitations.

SUMMARY AND CONCLUSION

Applicants believe that the present application is in condition for allowance, and respectfully request an indication to that effect. Applicants have amended the claims to clarify the features of the present invention. Applicants have discussed the features recited in Applicants' claims and have shown how these features are not taught, disclosed nor rendered obvious by the reference applied by the Examiner.

Should the Examiner have any questions, please contact the undersigned at the telephone number provided below.

Respectfully submitted,
Robert R. BUSHEY et al.


Bruce H. Bernstein
Reg. No. 29,027

March 11, 2004
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, Virginia 20191
(703) 716-1191